Appl. No. 09/742,458
Amdt. dated June 30, 2006
Response to Notice of Non-Compliant Amendment
of June 15, 2006

PATENT

REMARKS/ARGUMENTS

This Amendment assumes that the previous amendment, found to be non-compliant, was not entered, such that claims 1-37 and 39-40 remain pending in the present application. This amendment cancels claims 1-18, 23-24, 28-29, 31-32, 34, and 37-40; amends claims 19, 25-27, 30, and 35; and adds claims 41-70. The Notice of Non-Compliant Amendmen. indicated that the status identifiers did not correspond with the remarks in the previously submitted amendment. It is respectfully submitted that the claims as submitted were correct and that the accompanying remarks incorrectly identified the changes to the claims. This amendmen properly identifies the status of each claim, such that the status identifiers and remarks correspond. Applicants therefore respectfully request entry of this amendment. No substantive changes are made to the previously-submitted arguments.

Claims 1-3, 5-8, 10-13, 15-21, 23-26, 28-31 and 33-36 are rejected under 35 U.S.C 102(e) as being anticipated by Joao (US. 6,662,194).

Claims 4, 9, 14, 22, 27, 32, 37, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao.

Claims 41-57

Claim 41 is allowable as Joao does not disclose or suggest every element of claim 41. For example, claim 41 recites a method for workforce procurement and management comprising:

> receiving, into a requirement function from a client, a staffing requirement for a project;
> matching a digital portfolio of a contractor to the staffing requirement for the project, wherein the contractor is hired for _the_ project ; and
> collecting, into a work journal function, information about work _performed_ on _the_ project by the _hired_ contractor.

Joao is directed at a method for providing recruitment information for hiring contractors, and not to providing information related to work after a contractor has been hired.

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See Joao, Abstract. The Examiner acknowledges that the work schedule of Joao (col. 15, lines 23-33; col. 19, lines 15-24; and col. 33, lines 53-67) describes "work activity of the contractor *before* the contractor is hired for a project *by the prospective employer*." See office Action 1/23/06, page 3 lines 5-7. The work schedule is for work to be done on <u>a different project</u> than the project in which the prospective employer or client is searching. In contrast, claim 41 recites "information about work performed on <u>the</u> project by the <u>hired</u> contractor," where the work performed is on "<u>the</u> project" in which the contractor is matched and hired.

Furthermore, the work schedule of Joao relates to the scheduling of work that <u>will be</u> performed in the future. In contrast, claim 41 recites "information about work <u>performed</u> on the project," which as taught in the specification can include information such as recording and reporting project-related problems or issues to the project manager; summarizing all of the information entered to create a comprehensive project report; and recording performance information regarding a contractor's performance on a project. *See Specification*, page 18, lines 3-7. Since Joao relates to prospective work on a different project, Joao does not teach or suggest collecting information about work performed on the project by the hired contractor.

Accordingly, for at least the reasons stated above, Applicants submit that claim 41 is allowable over the cited references. As claim 41 is allowable, dependent claims 42-57 are also allowable for at least the same rationale.

<u>Claims 19-22, 25-27, 30, 33, 35-36, 58-69</u>

Applicants submit that independent claims 19 and 63 should be allowable for at least the same rationale as discussed with claim 41. Claims 20-22, 25-27, 30, 33, 35-36, 58-62 depend from claim 19, and claims 64-69 depend from claim 63 and thus derive patentability at least therefrom.

<u>Claim 70</u>

Applicants submit that independent claim 70 should be allowable for at least the same rationale as discussed with claim 41. Additionally, claim 70 recites:

receiving an approval of the work journal information; and

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> *automatically updating the digital portfolio of the hired contractor with data from the approved work journal.*

As described above, Joao does not teach or suggest collecting information, into a work journal function, about work performed on the project by the hired contractor. As Joao does not teach or suggest such work journal information, Joao does not teach or suggest approving such information; or when approved, updating a digital portfolio of the hired contractor with data from the approved work journal.

Additionally, as Joao is directed to providing recruitment information, Joao provides no motivation for aspects that occur after the recruitment stage. For example, even when Joao discusses payments, Joao is only concerned with upfront payments as part of the recruitment or hiring process. *See Joao*, col. 34, lines 33-46. Such payments include advance payments, a down payment, and option payments, which all occur before hiring and before the contractor performs work on the project.

Accordingly, for at least these additional reasons stated above, Applicants submit that claim 70 is allowable over the cited references.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

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